

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/789,381	YATES ET AL.
	Examiner	Art Unit
	Asok K. Sarkar	2891

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to amendment filed 1/30/2006.
2.  The allowed claim(s) is/are 1-56.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's explanation of the instant invention in pointing the novelty of the invention was persuasive.

**EXAMINER'S AMENDMENT**

2. The Applicant's representative was contacted for amending the independent claims so that they are in allowable form.
3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas C. Obermark on February 28, 20006.

The application has been amended as follows:

In claim 1, line 6, following the word "etching", the word -- through -- was inserted; and following the word "and", -- partially etching the -- was inserted.

In claim 11, line 7, following the word "etching", the word -- through -- was inserted; and following the word "and", -- partially etching the -- was inserted.

In claim 18, line 7, following the word "etching", the word -- through -- was inserted; and following the word "and", -- partially etching the -- was inserted.

In claim 23, line 6, following the word "etching", the word -- through -- was inserted; and following the word "and", -- partially etching the -- was inserted.

In claim 29, line 7, following the word “etching”, the word -- through -- was inserted.

In claim 35, line 6, before the word “etching”, the word -- partially -- was inserted.

In claim 42, line 6, before the word “etching”, the word -- partially -- was inserted.

In claim 46, line 7, before the word “etching”, the word -- partially -- was inserted.

In claim 49, line 15, before the word “etching” at the beginning of the line, the word -- partially -- was inserted.

In claim 56, line 7, before the word “etching” at the beginning of the line, the word -- partially -- was inserted.

***Allowable Subject Matter***

4. Claims 1 – 56 are now allowed.

5. The following is an examiner’s statement of reasons for allowance:

Claims 1 - 56 recite, inter alia, a method, comprising the steps of providing a covering layer over an integrated circuit structure, forming a first mask layer over the covering layer, forming a second mask layer over the first mask layer, wherein the first mask layer and second mask layer are etchable by a same etching process, etching through or partially etching the second mask layer and the first mask layer, removing etch residue from the second mask layer and first mask layer and selectively removing the first mask layer by a process different than the same etching process, wherein the

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second mask layer remains. The novelty of the invention is the partial etching of the two masks formed over a structure by a same etching process and then the selective etching of only the first mask to leave a portion of the second mask. The art of record does not disclose or anticipate the above limitation in combination with other claim elements nor would it be obvious to modify the art of record so as to form a device including the above limitation.

***Conclusion***

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asok K. Sarkar whose telephone number is 571 272 1970. The examiner can normally be reached on Monday - Friday (8 AM- 5 PM). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William B. Baumeister can be reached on 571 272 1722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Asok Kumar Sarkar*

Asok K. Sarkar

February 28, 2006

Primary Examiner